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Docket No. 1232-5077**REMARKS**

Applicants respectfully request reconsideration of this application in view of the foregoing amendments and the following remarks.

Claim Status

After entry of the foregoing amendments, claims 1-3, 5, and 7-11 will be pending in this application, of which claim 1 is independent in form. Claims 4, 6, and 12 are canceled herein without prejudice or disclaimer. Claim 1 is amended herein by adding the limitations of former claims 4 and 6. Claims 8 and 9 are amended herein to depend from independent claim 1. No new matter is added by these amendments.

Double Patenting

Claim 9-11 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 5, 7, and 9 of copending Application Serial No. 10/422,537. Applicants respectfully disagree with the characterization of the claims and prior art in the stated rejection and respectfully traverse this rejection.

Amended independent claim 1 defines subject matter that is patentably distinct from claims 1, 5, 7, and 9 of copending Application Serial No. 10/422,537. Claims 9-11, which ultimately depend from amended claim 1, are believed to define patentable subject matter for at least similar reasons. Accordingly, Applicants respectfully request reconsideration and withdrawal of the double patenting rejection of claims 9-11.

Claim 12 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over either claim 18 or 20 of copending

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Application Serial No. 10/422,537. Claim 12 is canceled herein, thereby rendering this rejection moot.

Claim Rejections – 35 U.S.C. § 102

Claims 1-2, 7, and 9-11 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by JP 09-157653. Claims 1-2, and 8 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Rao, U.S. Patent No. 5,283,148 ("Rao"). Claims 1 and 9 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Schimmel et al., U.S. Patent No. 5,585,427 ("Schimmel"). Claims 1-3, 6-7, and 9-11 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Nguyen et al., U.S. Patent No. 5,990,202 ("Nguyen"). Claims 1, 3-5, 7, and 9 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Sato et al., U.S. Patent Publication No. 2003/0050364 ("Sato '364"). Claims 1-5, and 7-12 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Sato et al., U.S. Patent Publication No. 2003/00236343 ("Sato '343"). Applicants respectfully disagree with the characterization of the claims and prior art in the stated rejections and respectfully traverse these rejections.

Applicant respectfully submits that none of the cited references disclose or suggest a dispersible composition having a good micelle formation property, the composition comprising a block polymer and a functional substance encapsulated therein, the block polymer having a monomer unit represented by the general formula (1). That is, the present invention as claimed is neither taught nor suggested by, and therefore is not anticipated by or rendered obvious over, JP 09-157653, Rao, Schimmel, Nguyen, Sato '364, or Sato '343, alone or in combination. Accordingly, Applicants respectfully request reconsideration and withdrawal of these rejections.

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Claim Rejections – 35 U.S.C. § 103

Claims 1-2 and 9-11 and 12 are provisionally rejected under 35 U.S.C. § 103(a) as allegedly being obvious over copending Application Serial No. 10/422,537. Applicants respectfully disagree with the characterization of the claims and prior art in the stated rejection and respectfully traverse this rejection.

Applicants again note that element from claims 4 and 6 have been included in claim 1. Accordingly, Applicants believe that the present invention as claimed in the amended claims is neither taught nor suggested by copending Application Serial No. 10/422,537. Thus, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1-2 and 9-11 and 12 under 35 U.S.C. § 103(a).

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CONCLUSION

Based on the foregoing amendments and remarks, Applicants respectfully request reconsideration and withdrawal of the rejection of claims and allowance of this application.

AUTHORIZATION

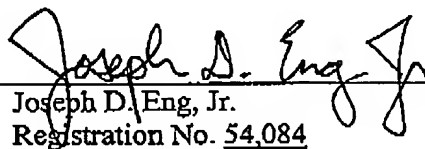
The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 13-4500, Order No. 1232-5077.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4500, Order No. 1232-5077.

Respectfully submitted,
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